

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 FANNY MARGARITA PALACIOS-IBARRA, )  
 et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )  
 This Order Pertains to: )  
 )  
 FELIPE SANCHEZ MONTES [D-14] )  
 \_\_\_\_\_ )

No. 3:99-cr-0036-HRH

O R D E R

Request for Appointment of Counsel<sup>1</sup>

Defendant Montes requests the appointment of counsel to help him file a correction of sentence motion under revised Sentencing Commission guidelines.

The request is denied.

Defendant's guidelines sentence was founded upon a base offense level of 34 under United States Sentencing Commission Guideline 2D1.1(c)(3). That base offense level flowed from the presentence report and the court's conclusion that Montes was

---

<sup>1</sup>Docket No. 667.

responsible for a total of 29.9 kilograms of cocaine. The base offense level was not based upon any amount of cocaine base or "crack". It is the guidelines with respect to crack that have been modified, not the guideline applicable to unprocessed cocaine.

Because it is clear that Montes is not entitled to any relief under the revised guideline for crack cocaine, the request for appointment of counsel is denied.

DATED at Anchorage, Alaska, this 20th day of February, 2008.

/s/ H. Russel Holland  
United States District Judge